

REMARKS

Objections-Claims

Claims 2-3 were objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner argued that claims 2 and 3 recite steps that must be performed prior to the steps recited in claim 1. Applicant respectfully traverses this rejection.

Applicants note that the method of claim 1 does not recite any language requiring the recited steps to be performed in a particular order. Further, Applicant knows of no law, nor has the Examiner cited any, that requires additionally claimed steps to be performed subsequently to the steps recited in the parent claim. Applicant submits that further that the transitional phrase in claim 1 is "comprising" which means that additional steps may be performed in addition to the already recited steps of claim 1. That is, the further steps may be performed prior to, intermediate to, or after any or all of the previously claimed steps. Applicants submit that claims 2 and 3 add further limitations to claim 1 and therefore are properly dependent. Applicant respectfully requests withdrawal of the rejection.

Claim Rejection-35 U.S.C. 112, 2nd

Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

Claim 1 has been amended to recite "obtaining a plurality of labeled proteins, polypeptides or peptides, and placing the plurality of labeled proteins, polypeptides or peptides in a plurality of

chambers, such that different chambers contain a different type of labeled amino acid” Thus, there is clear antecedent basis for the chambers in dependent claim 2. Regardless, Applicants note that original claim 2 recited “placing a template nucleic acid into at least one chamber.” Thus, original claim 2 added the chamber and therefore could not lack antecedent basis. Regarding claim 9, this claim had been canceled. Thus, the rejection of claim 9 is moot. Applicant respectfully requests withdrawal of these rejections.

Claim Rejection-35 U.S.C. 102

Claims 1, 4-5, 7-8, 10-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chan (US Patent Number 6210896). Applicants respectfully traverse this rejection.

Independent claim 1 has been amended to recite “obtaining a *plurality* of labeled proteins, polypeptides or peptides, and *placing the plurality of labeled proteins, polypeptides or peptides in a plurality of chambers, such that different chambers contain a different type of labeled amino acid.*” Support for this feature can be found in paragraph [0036] of the specification. Chan teaches the use of molecular motors to move a polymer past a stationary detector. (Abstract) Chan does not teach a plurality of labeled proteins, polypeptides or peptides, each placed in a chamber having a different type of labeled amino acid. Therefore, Chan does not anticipate amended claim 1 or any of the claims that depend on amended claim 1. Applicants respectfully request withdrawal of this rejection.

Claim Rejection-35 U.S.C. 103

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (US Patent Number 6210896). Claims 2, 6, 9, and 15 were rejected under U.S.C. 103(a) as being unpatentable over Chan (US Patent Number 6210896) as applied to claims 1, 4-5, 7-8, 10-14, and 16 above in view of Thompson et al (US Patent Number 5324637).

As discussed above, independent claim 1 has been amended to recite "obtaining a *plurality* of labeled proteins, polypeptides or peptides, and *placing the plurality of labeled proteins, polypeptides or peptides in a plurality of chambers, such that different chambers contain a different type of labeled amino acid.*" This feature is neither taught nor suggested by any of the applied references. Applicant respectfully requests withdrawal of these rejections. Thompson's only related teaching is that "if a radiolabeled amino acid is used in the coupled reaction ..., then the corresponding amino acid is left out of the amino acid mix." (Col.8 1.60-63). Thompson merely teaches leaving single corresponding amino acid out of a mixture of amino acids. Thompson does not teach a plurality of chambers each having a different type of labeled amino acid. Therefore, the combination of Chan and Thompson does not teach all of the features of the claimed invention. Therefore, Applicants respectfully request withdrawal of this rejection.

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In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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